

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**AIR QUALITY PERMIT**

**Permittee Name:** Lucas Varity Heavy Vehicle Braking Systems, Inc.  
Carrollton Casting Center and Carrollton Machining  
Centers  
**Mailing Address:** 5212 & 5284 U.S. Highway 42 East  
Carrollton, Kentucky 41008

**is authorized to operate Grey Iron Foundries/Motor Vehicle Parts & Accessorirs Plant**

**Source Name:** Lucas Varity Heavy Vehicle Braking Systems  
**Mailing Address:** 5212 & 5284 U.S. Highway 42 East  
Carrollton, Kentucky 41008  
**Source Location:** 5212 & 5284 U.S. Highway 42 East  
Carrollton, Kentucky 41008  
**Permit Type:** Federally-Enforceable  
**Review Type:** Title V  
**Permit Number:** V-98-010  
**Log Number:** F074  
**Application**  
**Complete Date:** April 20, 1997  
**KYEIS ID #:** 079-0580-0026  
**AFS Plant ID #:** 21-041-00026

**SIC Code:** 3321 & 3714

**Region:** Cincinnati  
**County:** Carroll

**Issuance Date:**  
**Expiration Date:**

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**John E. Hornback, Director**  
**Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on April 20, 1997, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This proposed permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- 01 (01) Preheater (Top-Fired) -Venetta**  
Maximum Rated Capacity- 15 tons/hour  
Maximum Burner Rated Capacity - 8.55 mmBtu/hour  
Control: Baghouse
- 02 (02) Inductotherm Electric Induction Furnaces (2)**  
Maximum Rated Capacity - 6.0 tons/hour each  
Control: Baghouse
- 04 (04) Shot Blaster (Pangborn 5G07)**  
Maximum Rated Capacity - 13 tons/hour  
Control: Baghouse
- 06 (06) Return Sand Handling (Roberts Corporation)  
(Includes Oversize Removal, Sand Belt Conveyor,  
Fluidized Sand Cooling Conveyor, and Oversize Hopper)**  
Maximum Rated Capacity - 114 tons/hour  
Control: Baghouse
- 08 (08) Scrap Charge Handling**  
Maximum Rated Capacity- 15 tons/hour  
Control: Baghouse
- 09 (09) Inoculation (In-ladle Inoculation)**  
Maximum Molten Gray Iron - 12 tons/hour  
Maximum Magnesium Ferrosilicon - 0.169 tons/hour  
Control: Baghouse
- 12 (12) Pouring - Molten Gray & Ductile Iron (BMD)**  
Maximum Core Throughput 6 tons/hour  
Maximum Green Sand Molds - 108 tons/hour  
Maximum Cores - 0.87 tons/hour  
Control: None
- 12 (13) Cooling - Molten Gray & Ductile Iron Castings (BMD/Roberts Corp.)**  
Maximum Core Throughput 6 tons/hour  
Maximum Green Sand Molds - 108 tons/hour  
Maximum Cores - 0.87 tons/hour  
Control: None
- 12 (14) AISCO Shakeout Drum**  
Maximum Gray & Ductile Iron Castings - 12 tons/hour  
Return Sand - 114 tons/hour  
Control: Wet Collector

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 12 (12-14) Pouring/Cooling/Shakeout**  
**Natural Gas Combustion**  
Control: None
- 15 (15) Grinders (4) - Hand/Wheel**  
Maximum Total - 12 tons/hour  
Control: Baghouse
- 19 (19) Mold Pattern Release Agent- Spray Bottle**  
Maximum - 2.40 gallons/hour  
Control: None
- 20 (20) Green Sand Molding Machine (BMD)**  
Maximum Green Sand Throughput - 108 tons/hour  
Control: Wet Collector
- 21 (21) Green Sand Mold Evacuation**  
Maximum Molds - 120 tons/hour  
Maximum Green Sand - 108 tons/hour  
Control: Vacuum Filter
- 22 (22) Return Sand Bucket Elevator, Sifter & Hopper (Roberts Corp.)**  
Maximum - 114 tons/hour  
Control: Baghouse
- 26 (26) Green Sand Muller (Simpson #23G)**  
Maximum Bond Throughput- 12.42 tons/hour  
Maximum Mold Sand Throughput - 95.58 molds/hour  
Control: Baghouse
- 31 (31) Core Machine #1 (Redford)**  
Maximum Core Sand Throughput - 1.74 tons/hour  
Maximum Triethylamine Throughput - 3.13 lbs/hour  
Control: Wet Scrubber
- 32 (32) Core Machine #2 (Redford)**  
Maximum Core Sand Throughput - 1.74 tons/hour  
Maximum Triethylamine Throughput - 3.13 lbs/hour  
Control: Wet Scrubber
- 61 (61) Shalco Core Machine**  
Maximum Core Sand Throughput - 2.52 tons/hour  
Maximum Triethylamine Throughput - 4.54 lbs/hour  
Control: Wet Scrubber

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**APPLICABLE REGULATIONS:** 401 KAR 59:010, New process operations  
401 KAR 63:010, Fugitive emissions

### **1. Operating Limitations:**

The maximum hourly processing rate at each affected facility shall not exceed the rate specified above.

#### **Compliance Demonstration Method:**

Compliance with the melted iron hourly output limit shall be monitored each month by comparing the allowable hourly output rate to the total melted iron output each month divided by the hours of operation each month.

### **2. Emission Limitations:**

- a. Visible emissions into the open air from a control device or stack associated with any affected facility shall not equal or exceed 20% opacity as required by Regulation 401 KAR 59:010, Section 3(1)(a).
- b. Particulate emissions from preheater - top fired (emission point 01(01)) shall not exceed 19.24 lbs/hour.
- c. Particulate emissions from each induction furnace (emission point 02(02)) shall not exceed 10.90 lbs/hour
- d. Particulate emissions from shot blaster (emission point 04(04)) shall not exceed 17.61 lbs/hour
- e. Particulate emissions from return sand handling (emission point 06(06)) shall not exceed 36.93 lbs/hour
- f. Particulate emissions from scrap & charge handling (emission point 08(08)) shall not exceed 19.24 lbs/hour
- g. Particulate emissions from inoculation (emission point 09(09)) shall not exceed 16.76 lbs/hour
- h. Particulate emissions from pouring and cooling (emission points 12(12), 13(13)) each shall not exceed 37.24 lbs/hour
- i. Particulate emissions from shakeout (emission point 14(14)) shall not exceed 37.24 lbs/hour.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- j. Particulate emissions from four grinders (emission point 15(15)) shall not exceed 16.76 lbs/hour
- k. Particulate emissions from molding machine (emission point 20 (20)) shall not exceed 36.61 lbs/hour
- l. Particulate emissions from mold evacuation (emission point 21 (21)) shall not exceed 36.61 lbs/hour
- m. Particulate emissions from return sand bucket elevator, sifter and hopper (emission point 22 (22)) shall not exceed 36.93 lbs/hour
- n. Particulate emissions from green sand muller (emission point 26 (26)) shall not exceed 36.61 lbs/hour
- o. Particulate emissions from core machine #1 (emission point 31 (31)) shall not exceed 5.06 lbs/hour
- p. Particulate emissions from core machine #2 (emission point 32 (32)) shall not exceed 5.06 lbs/hour

**Compliance Demonstration Method:**

Opacity shall be monitored visually on a plant operating day basis and shall be monitored once annually using EPA Reference Method 9.

Particulate emission rate in (lbs/hour) = monthly production rate/hours of operation per month x emission factor x (100 - overall control device efficiency)

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

Lucas Varity Heavy Vehicle Braking Systems shall monitor the production of melted metal per month.

Visible emissions from each affected facility shall be monitored once annually using EPA Reference Method 9.

Opacity shall be monitored qualitatively at least once per operating day and the results recorded in a log: note color, duration, density (heavy or light), cause and corrective action taken for any abnormal visible emissions.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Record Keeping Requirements:**

Retain records of the following for five years as required by Regulation 401 KAR 50:035, Section 7(1)(d)(2):

Criteria pollutant emissions;  
Operating hours;  
Metal melted

**6. Specific Reporting Requirements:**

None, See General Condition F.5.

**7. Specific Control Equipment Operating Conditions:**

All control devices shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

Maintain on site daily log of the pressure drop across the baghouses and scrubbers and ensure it remains within the range recommended by the manufacturer and/or standard operating practices.

**8. Alternate Operating Scenarios:**

NA

**9. Compliance Schedule:**

NA

**10. Compliance Certification Requirements:**

NA



**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 03      (03)      Green Sand Storage/Conveyor**  
Maximum Rated Capacity - 108 tons/hour  
Control: None
- 18      (18)      New Sand Hopper**  
Maximum Rated Capacity - 10 tons/hour  
Control: None
- 24      (24)      Sand Belt Conveyor to Muller**  
Maximum Rated Capacity - 95.58 tons/hour  
Control: None
- 39      (39)      Haul Roads**  
Control: Water Truck and/or Sweeper

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 63:010, Fugitive emissions

**1. Operating Limitations:**

The maximum hourly processing rate at each affected facility shall not exceed the rate specified above.

**Compliance Demonstration Method:**

Compliance with the melted iron hourly output limit shall be monitored each month by comparing the allowable hourly output rate to the total melted iron output each month divided by the hours of operation each month.

**2. Emission Limitations:**

- a) Pursuant to State Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not limited to the following:
1. Application and maintenance of water or suitable chemicals on haul roads, material stockpiles, and other surfaces which can create airborne dusts.
  2. Pursuant to Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive emissions beyond the property line is prohibited.

**Compliance Demonstration Method:**

None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

None

**5. Specific Record Keeping Requirements:**

Retain records of the following for five years as required by Regulation 401 KAR 50:035, Section 7(1)(d)(2):

Criteria pollutant emissions;  
Operating hours;  
Metal melted

**6. Specific Reporting Requirements:**

None, See General Condition F.5.

**7. Specific Control Equipment Operating Conditions:**

All control devices shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

**8. Alternate Operating Scenarios:**

NA

**9. Compliance Schedule:**

NA

**10. Compliance Certification Requirements:**

NA

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**49 (49) Paccar Paint Spray Booth (Existing)**

Control: Filters

VOC: None

**50 (50) Nutro Paint Spray Booth (Existing)**

Control: Filters

VOC: None

**51 (51) 789 Paint Spray Booth (Existing)**

Control: Water Wall

VOC: None

**62 (62-83) Celluar Paint Spray Booths (22 New Paint Lines)**

Control: Filters

VOC: None

**APPLICABLE REGULATIONS:**

401 KAR 61:132. Existing miscellaneous metal parts and products surface coating operations.

401 KAR 59:225, New miscellaneous metal parts and products surface coating operations.

401 KAR 59:010, New process operations.

**1. Operating Limitations:**

VOC content of the paint as applied shall not exceed 3.50 lbs/gallon at any paint line

**Compliance Demonstration Method:**

Amount of paint used at each spray booth, including the VOC content as applied, shall be recorded on a weekly basis.

Visible emissions from each affected facility shall be monitored once annually using EPA Reference Method 9.

Particulate emission rate in (lbs/hour) = gallons/hr paint usage as applied x density of the paint (lbs/gallon) x % non-volatile x % overspray x (100 - control device efficiency).

VOC emission rate in (lbs/hour) = gallons/hr paint usage x VOC content of the paint as applied

**2. Emission Limitations:**

Particulate emissions from each paint spray booth shall not exceed 2.34 lbs. per hour as allowed by Regulation 401 KAR 59:010.

VOC emissions from the cellular paint lines (22) shall not exceed 40 tons per year.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

Visible emissions into the open air at each spray booth shall not equal or exceed 20% opacity as required by Regulation 401 KAR 59:010, Section 3(1)(a).

### **3. Testing Requirements:**

None

### **4. Specific Monitoring Requirements:**

Lucas Varity Heavy Vehicle Braking Systems shall monitor the paint usage rate and its VOC content as applied at each paint line. The records shall be maintained on a daily basis.

Visible emissions from each paint spray booth shall be observed visually on a plant day basis and shall be monitored once annually using EPA Reference Method 9.

### **5. Specific Record keeping Requirements:**

Retain records of the following for five years as required by Regulation 401 KAR 50:035, Section 7(1)(d)(2).

Criteria pollutant emissions;

Operating hours;

Paint usage rates and its VOC contents as applied at each paint line.

### **6. Specific Reporting Requirements:**

See Section F, Conditions 5 & 7.

### **7. Specific Control Equipment Operating Conditions:**

All control devices shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

Exhaust filters at each paint spray booth shall be replaced as deemed necessary.

### **8. Alternate Operating Scenarios:**

NA

### **9. Compliance Schedule:**

NA

### **10. Compliance Certification Requirements:**

NA

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<b><u>Description</u></b>	<b><u>Generally Applicable Regulation</u></b>
1. Scrap Storage Piles	401 KAR 63:010
2. 3 Ladle Preheaters	401 KAR 63:010.
3. Bond Belt Conveyor to Muller	401 KAR 63:010
4. Core Sand Hopper	401 KAR 63:010
5. Core Sand Feed Hopper and Electric Heater	401 KAR 63:010
6. Core Machine #1 Sand Hopper	401 KAR 63:010
7. Core Machine #2 Sand Hopper	401 KAR 63:010
8. Diesel Tank	None
9. Landfill	None
10. Gasoline Tank	None
11. CCC Air Make-up Units (3)	None
12. CMC Air Make-up Units (5)	None
13. Shalco Core Machine Sand hopper	401 KAR 63:010
14. Core Release Agent	None
15. Parts Washers (3)	None
16. Pattern Spray Tank	None
17. Kerosene Tank	None
18. Hydraulic Oil Tanks (2)	None
19. New Bond Silo's (2)	401 KAR 63:010
20. Bond Hopper	401 KAR 63:010
21. Welding Booths	401 KAR 59:010

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. Particulate and visible emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

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## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a) Date, place as defined in this permit, and time of sampling or measurements.
  - b) Analyses performance dates;
  - c) Company or entity that performed analyses;
  - d) Analytical techniques or methods used;
  - e) Analyses results; and
  - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b) Have access to and copy, at reasonable times, any records required by the permit:
    - i) During normal office hours, and
    - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency; and
  - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.



**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Florence Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. a) In accordance with Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Florence Regional Office concerning startups, shutdowns, or malfunctions as follows:
  - 1) When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shutdown, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - 2) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b) In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a) above) to the Division for Air Quality's Florence Regional Office. (Prompt reporting shall be defined as follows:)
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Florence Regional Office and the U.S. EPA in accordance with the following requirements:
  - a) Identification of each term or condition of the permit that is the basis of the certification;
  - b) The compliance status regarding each term or condition of the permit;
  - c) Whether compliance was continuous or intermittent; and
  - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e) The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.

## SECTION G - GENERAL CONDITIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
  - b) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.;
  - c) The Cabinet determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6).
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
11. This permit shall not convey property rights or exclusive privileges.
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby null and void.

### **(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### **c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### **(d) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

### **(e) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a) An emergency occurred and the permittee can identify the cause of the emergency;
  - b) The permitted facility was at the time being properly operated;
  - c) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

(f) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
  - a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
  - b. Submit additional relevant information if requested by the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

None

## **SECTION I - COMPLIANCE SCHEDULE**

None

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